

Appendix A

Interview Questions

**Personal Services Review Commission
Interview Questions
June-July 1999**

INTERVIEWER

LOCATION OF INTERVIEW

POSITION/TITLE OF INTERVIEWEE

DATE OF INTERVIEW

OTHER INFORMATION ABOUT THE INTERVIEW

Good Morning, [Afternoon, Evening]

I am _____, a member of the U.S. Customs Service, Personal Search Review Commission. As a member of the Commission, my goal is to review how the U.S. Customs Service processes passengers and interacts with the public traveling into the United States. We are attempting to determine the accuracy of and justification for the accusations that minority groups and in particular minority women are unfairly targeted for personal searches. We are also seeking to learn from Customs officials some of the challenges they face and the steps they believe Customs has taken to better address the criticisms of the Service. Further, the Personal Search Review Commission is seeking recommendations on the steps to improve the personal search process.

In particular, you are being interviewed to help us obtain information to assist in determinations as to whether current Customs Service process and practices are adequate or if changes are required, and if so what changes are warranted.

Before you are asked any questions, the following assurances are provided by the Personal Search Review Commission (PSRC).

- 1. It is the intention of the PSRC to maintain maximum confidentiality for all Customs Service employees and others who are interviewed.**
- 2. The names or other personal identities of Customs Service employees providing responses will not be reported.**
- 3. Your selection for this interview is random and is not based on any personal information regarding your individual job performance or actions.**
- 4. Customs Service employees, like all federal government employees, have an obligation to report criminal offenses. However, it is not the intention of this interview to investigate misconduct, but rather to identify institutional weaknesses so as to improve processes and procedures.**

Interview Questions

- 1. Does racial and ethnic profiling¹ occur in the U.S. Customs service as a part of passenger processing procedures?**
 - a. How? Where? Based on what authorities?**
- 2. The Customs Service indicates that they do not use profiling, but rather indicators.² What is the difference between profiling and indicators?**
 - a. How are the indicators developed? Is the list based on statistically based data? In other words, how did the Customs Service arrive at the list?**
 - b. How often are the indicators reviewed? What is the percentage of hits and misses?**

¹ According to Roger Clarke: "Profiling is a data surveillance technique that is little understood and ill documented, but is increasingly used. It is a means of generating suspects or prospects from within a large population, and involves inferring a set of characteristics of a particular class of person from past experience, then searching data holdings for individuals with a close fit to that set of characteristics."

² The indicators are factors that could lead to a personal search. Examples of more than over 40 factors are: (1) the traveler misinforms the officer about the correct occupation, (2) the traveler claims to be part of a group tour, but actually is traveling alone, (3) the traveler has two passports, one of which reflects considerable travel to narcotics-source countries, (4) the traveler exhibits nervousness or symptoms of drug influence, (5) the traveler refuses to comply with requests to open baggage. While one factor by itself may be an objective, articulable fact, it may be insufficient, whereas a combination of the factors may lead to establishing reasonable suspicion that the person may be carrying contraband or merchandise on his/her person or in his/her body contrary to law.

3. Are the passenger processing procedures of record effective? Have they changed in recent times? When did the changes take place?

- a. Is the complaint process effective, or is it flawed if the office receiving the complaint also does the investigation?**
- b. Is the rover screening process effective?**
- c. Are the facilities proper and accommodating to the passengers? Do the passengers have to leave the port for certain types of searches? Is this necessary? What are the options?**
- d. Do the Customs officials adequately answer the questions of passengers? Is the amount of information given limited by a concern that drug smugglers would benefit from the additional information?**
- e. Are the passenger service representatives effective?**
- f. Is there adequate information provided to passengers? In other words, is the information helpful? Or do passengers need more direct information about their rights (such as the overriding right against unreasonable searches and seizures or specifically, for example, the right to refuse to give consent to certain types of examinations)?**
- g. What are the rules with regard to passengers being searched? Are they properly implemented? Specifically, what are the rules and the pattern of implementation with regard to:**

(1) Making phone calls?

(2) Contacting traveling companions?

(3) Having a translator?

(4) Having a witness to the search? Having a witness who is a family member, someone of the same sex?

(5) Other.

h. What happens legally and in practice if a passenger refuses to cooperate with Customs officials?

i. Why is the practice different from what is required in the legal process?

3. What roles do the data management system and the COMPEX compliance measurement process play in ensuring the effectiveness or lack of effectiveness of passenger targeting?

4. Are there abuses to present passenger processing procedures? What are they?

a. Are they usually at primary or secondary search level?

b. Are the abuses primarily when there is a pat down, body search, or x-ray examination?

c. Is there concern within the service of recrimination or retaliation if abuses are reported?

5. **What are the reasons for U.S. Customs Service violations or perception of violations of the law and spirit of the law requiring the protection of rights and the privacy of all?**
 - a. **Is it the culture of the institution? Biases of individuals?**
 - b. **Are there unfair accusations against Customs officials?**
6. **What is effective about the present process?**
7. **Are the steps effective that have been taken within the last three years to address the complaints about the passenger processing?**
 - a. **Is the training, including FLETC (federal law enforcement training center) training, an effective way of addressing the problems?**
 - (1) **Is there effective communication training?**
 - (2) **Is there effective cross-cultural and/or diversity training?**
 - b. **Or are the staffing problems being addressed through the selection process or a combination thereof?**
 - c. **Are the present efforts effective in informing general and secondary search passengers of customs personal searching policies and procedures?**

- d. Are there proper sanctions within the U.S. Customs Service to address the problems or perceptions of problems with passenger processing? Are the grievance procedures effective?**
 - e. Would name badges help reduce the problems? Why can't (won't) officials use badges? Could another type of identifier be used? Specify.**
 - f. Should a magistrate be a part of the process? Where and when in the process should/could a magistrate be used?**
- 8. Are there technological solutions that can alone or in concert with present strategies solve the problems faced by the service?**
- 9. Are there lessons to be learned from other law enforcement agencies, particularly those that have been faced with racial profiling issues?**
- 10. What is the U.S. Customs Services's response to the Booz-Allen Hamilton recommendations dated February 1999 and why?**
- 11. Other information.**

